

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

TREMAIN VERNON JONES,

Plaintiff,

CASE NO. 2:18-CV-74

v.

HON. ROBERT J. JONKER

TRINITY FOOD SERVICE GROUP,  
*et al.*,

Defendants.

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**ORDER APPROVING AND ADOPTING  
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Vermaat’s Report and Recommendation in this matter (ECF No. 104); Plaintiff’s Objections (ECF No. 107); and Defendants’ Responses (ECF Nos. 109, 110). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on de novo reconsideration, he or she finds it justified.” 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's Objections; and Defendants' Responses. The Court finds the Magistrate Judge's Report and Recommendation, which recommends granting Defendant Canlas's motion for summary judgment (ECF No. 36); granting the motion to sever and dismiss mis-joined claims (ECF No. 74); and denying Plaintiff's request for a permanent injunction and restraining order (ECF No. 95), factually sound and legally correct.

The Magistrate Judge carefully and thoroughly considered the evidentiary record, the parties' arguments, and the governing law. In his objections, Plaintiff primarily reiterates and expands arguments he has already made and which the Magistrate Judge properly considered. Plaintiff's objections do not address the Report and Recommendation in a persuasive way. None of Plaintiff's objections change the fundamental analysis in this matter. Defendant Canlas is entitled to summary judgment in his favor; it is proper to sever and dismiss the mis-joined claims; and Plaintiff is not entitled to the injunctive relief he seeks, all for the very reasons detailed in the Report and Recommendation.

**ACCORDINGLY, IT IS ORDERED:**

1. The Report and Recommendation (ECF No. 104) is approved and adopted as the opinion of the Court.
2. Defendant Canlas's Motion for Summary Judgment (ECF No. 36) is **GRANTED**. Defendant Canlas is **dismissed from the case with prejudice**.
3. The Motion to Sever and Dismiss Mis-joined Claims (ECF No. 74) is **GRANTED**. Defendants Carruth, Chancey, Dewitt, Garlinghouse, Gronda, Hubbard, La Ponsie, Landreville, MacDowell, Ormsbee, Riesener, Simpson, and Taylor are **dismissed from the case without prejudice**. Plaintiff's retaliation claims against Defendant Hansen may proceed.

4. Plaintiff's Motion for Permanent Injunction and Restraining Order (ECF No. 95) is  
**DENIED.**

Dated: January 31, 2020

/s/ Robert J. Jonker

ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE